

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

STEVEN AMES BROWN, et al.,
Plaintiffs,

v.

ANDREW B. STROUD, et al.,
Defendants

No. 08-cv-02348 JSW (NC)
No. 09-cv-03796 JSW (NC)
No. 11-cv-05822 JSW (NC)

**ORDER RE: FURTHER
BRIEFING**

ANDREW B. STROUD, et al.,
Plaintiffs,

v.

CASTLE ROCK ENTERTAINMENT, et al.,
Defendants

LISA SIMONE KELLY,
Plaintiff,

v.

WALLY ROKER, et al.,
Defendants


Case No. 08-cv-02348 JSW (NC),
Case No. 09-cv-03796 JSW (NC),
Case No. 11-cv-05822 JSW (NC)
ORDER RE: FURTHER BRIEFING

1 These cases were referred to this Court for a report and recommendation on the
 2 motions for default judgment filed against Scarlett Stroud as the representative for the
 3 Estate of Andrew B. Stroud Estate, Andy Stroud, Inc. and Stroud Productions and
 4 Enterprises, Inc. (collectively, "Stroud"). The next day after the referral, Stroud filed an
 5 appeal to the Ninth Circuit in each of the three cases. (Dkt. No. 567 in 08-cv-02348 JSW
 6 (NC); Dkt. No. 123 in 09-cv-03796 JSW (NC); and Dkt. No. 171 in 11-cv-05822 JSW
 7 (NC)). The notice of appeal states that it is appealing the order(s) of the District Court,
 8 entered in these cases on May 8, 2013, "denying Stroud's Motions for reconsideration of
 9 the District Court's order substituting the Executrix for the Estate of ABS along with any
 10 subsequent order(s) regarding motions for default judgment filed against Stroud" in these
 11 cases "as a consequence of the denial of Stroud's Motions for reconsideration." *Id.*

12 In a subsequent stipulation to continue the case settlement conference, Sony Music
 13 Entertainment, the Estate of Nina Simone, and Steven Ames Brown noted that there is an
 14 unresolved issue as to whether Stroud's notices of appeal divest the District Court of
 15 jurisdiction over these cases. (Dkt. No. 570 in 08-cv-02348 JSW (NC); Dkt. No. 125 in
 16 09-cv-03796 JSW (NC); and Dkt. No. 174 in 11-cv-05822 JSW (NC)). A letter submitted
 17 today requests a telephone conference to discuss the jurisdictional issue. Dkt. No. 571. By
 18 June 28, 2013, each party moving for default judgment must file a brief, not exceeding ten
 19 pages, addressing this question. The parties are encouraged to file a joint brief to the extent
 20 possible. Any opposition, also not to exceed ten pages, must be filed by July 10, 2013. No
 21 reply brief may be filed without leave of Court.

22 IT IS SO ORDERED.

23 Date: June 14, 2013

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 25 Nathanael M. Cousins
 26 United States Magistrate Judge
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